

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

TONYA HALL,	:	
	:	Case No.
Plaintiff,	:	
	:	
v.	:	
	:	
PENTAGROUP FINANCIAL, LLC,	:	
	:	
Defendant.	:	

VERIFIED COMPLAINT

TONYA HALL (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against PENTAGROUP FINANCIAL, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Because Defendant conducts business in the State of North Carolina, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Gastonia, Gaston County, North Carolina.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
8. Defendant is a limited liability company with a business office in Houston, Texas.
9. Defendant is a collection law firm that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously placed collection calls to Plaintiff seeking payment for an alleged debt.
11. Defendant contacted Plaintiff on an almost daily basis, multiple times per day, for a period of several months.
12. Defendant contacted Plaintiff at her work telephone number (704) 417-2072 and her cellular phone number (704) 241-1229 from telephone numbers (575) 613-7473 and (571) 261-0064.
13. Plaintiff informed Defendant on numerous occasions that she could not receive telephone calls at work; Plaintiff first informed Defendant of this during or around September of 2010.

14. Defendant continued to place telephone calls to Plaintiff at her place of employment despite knowing that Plaintiff could not receive phone calls at work.
15. On one such occasion, after being instructed to refrain from calling Plaintiff at work, Defendant stated that it could not get a hold of Plaintiff on her other phone so it would continue to contact her at work.
16. In another such incident that occurred in late October or early November of 2010, after having received another call from Defendant on her work telephone, Plaintiff called Defendant on her lunch break from her cellular phone and again instructed Defendant that she could get fired for receiving personal phone calls on her work telephone lines and again requested that Defendant stop calling her there; Defendant's representative responded "we don't care"
17. Defendant contacted at least three of Plaintiff's co-workers seeking to speak with Plaintiff and/or her supervisor.
18. In one such call, Defendant stated something to the effect that Plaintiff had not been doing her job and requested to speak with Plaintiff's supervisor; when Plaintiff's co-worker transferred the call Defendant hung up.
19. Despite knowing that Plaintiff's employer prohibited said personal calls, and having been notified on multiple occasions that Plaintiff faced termination if the calls continued, Defendant continued to contact Plaintiff's place of employment.
20. Defendant called Plaintiff and failed to provide meaningful disclosure of the caller's identity as Defendant did not always state the name of its company when speaking with Plaintiff.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

21. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at her place of employment even though Defendant knew that Plaintiff's employer prohibits the consumer from receiving such communications;
- b. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt;
- c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff; and
- d. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.

Wherefore, Plaintiff, TONYA HALL, respectfully requests judgment be entered against Defendant, PENTAGROUP FINANCIAL, LLC, for the following:

- 22. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
- 23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
- 24. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, TONYA HALL, demands a jury trial in this cause of action.

DATED: April 20, 2011

RESPECTFULLY SUBMITTED,

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Attorneys for Plaintiff,
TONYA HALL

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NORTH CAROLINA

Plaintiff, TONYA HALL, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, TONYA HALL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-1-11
Date


TONYA HALL

PLAINTIFF'S VERIFIED COMPLAINT

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